



# California Regional Water Quality Control Board

## Santa Ana Region



**Linda S. Adams**  
Secretary for  
Environmental Protection

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**Arnold Schwarzenegger**  
Governor

March 2, 2010

Mr. Dean Munt  
20626 Dunsmuir Place  
Lake Mathews, CA 92570

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS  
CERTIFICATION FOR LOT NO. 55 OF TRACT 2520, LAKE MATHEWS AREA,  
RIVERSIDE COUNTY (ACOE REFERENCE NO. NOT AVAILABLE) (SARWQCB  
REFERENCE NO. 332009-19)**

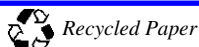
Dear Mr. Munt:

On October 26, 2009, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification"), submitted on your behalf by Adkan Engineers, for grading and construction on Lot 55 of Tract 2520, off Lakeridge Drive, in the Lake Mathews area of Riverside County. Verbal notice that the application was incomplete due to lack of CEQA documentation was provided to Adkan Engineer's Project Manager Cecilia Webb by Regional Board staff on January 13, 2010. Following receipt of the required information, the application was deemed complete on February 26, 2010.

This letter responds to your request for certification that the proposed project, described in your application and in subsequent submittals and summarized below, will comply with State water quality standards outlined in the 1995 Water Quality Control Plan for the Santa Ana River Basin ("Basin Plan") and subsequent Basin Plan amendments:

Project Description:	Grading of an approximately 4,400 square foot pad within a 2.45 acre parcel (Lot No. 55 of Tract 2520), and grading a driveway connecting Dunsmuir Place with Lakeridge Drive. Construction of one 36-inch diameter reinforced concrete pipe underground storm drain to aid in drainage off the property. Grading of the site will result in the discharge of fill to first order ephemeral drainages. The project is located, within Section 16 of Township 4 South, Range 5 West, of the U.S. Geological Survey <i>Lake Mathews, California</i> , 7.5-minute topographic quadrangle map (33°49'10.21" N / 117°23'57.92" W).
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**California Environmental Protection Agency**



Receiving water: Un-named ephemeral drainages tributary to Lake Mathews.

Fill area: 0.007 acre of permanent impact to ephemeral drainages (215 linear feet total).

Dredge/Fill volume: 67.11 cubic yards

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 29.

You have proposed to mitigate water quality impacts as described in your Certification application and subsequent submittals. The proposed mitigation is summarized below:

Onsite Water Quality Standards Mitigation Proposed:

- Additional site-specific best management practices ("BMPs") will be specified in the site's Storm Water Pollution Prevention Plan(s) ("SWPPPs") and Water Quality Management Plan(s) ("WQMPs").

Offsite Water Quality Standards Mitigation Proposed:

- No off-site water quality standards mitigation is proposed.

Should the proposed project impact state- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Game will ensure those impacts are mitigated to an acceptable level. Appropriate Best Management Practices will be implemented to reduce construction-related impacts to Waters of the State. This project is over one acre. Therefore, coverage under the State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity, Water Quality Order No. 99-08 DWQ ("Order No. 99-08 DWQ"), is required, as is development of a SWPPP to control the discharge of pollutants from the project site.

Regional Board staff has reviewed a preliminary WQMP for the proposed project. While Regional Board staff has no objections to the overall concept, there is insufficient information to assure that all storm water runoff on the project site will be conveyed to one or more of the proposed structural treatment facilities. Regional Board staff expects that this matter, as well as other technical issues, will be resolved by the County of Riverside through compliance with Regional Board Order No. R8-2009-009, NPDES Permit No. CAS618033, commonly known as the Riverside County Urban Storm Water Runoff Permit.



You have applied for a Nationwide Permit from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. You have applied for a Streambed Alteration Agreement with the California Department of Fish and Game.

Pursuant to CEQA, the County of Riverside Transportation and Land Management Agency adopted a final Mitigated Negative Declaration for the project on February 24, 2010. The Executive Officer has considered the Mitigated Negative Declaration in the issuance of this Certification.

**This 401 Certification is contingent upon the execution of the following conditions:**

1. Prior to the discharge of fill, the discharger must execute measures that adequately assign the responsibility for maintaining the hydrology of the newly installed drainage system.
2. All vegetation removed during the course of this project shall be replaced in-kind with native species. Re-vegetation shall be carried out according to a plan prepared by a restoration ecologist or similarly qualified professional. The re-vegetation plan shall include success criteria.
3. This Certification, the re-vegetation plan, and any subsequent amendments must be maintained on site as a denoted element of any project SWPPP or WQMP.
4. This Certification is transferable only upon written notice to the Executive Officer. The notice must include written acknowledgement of this Certification by the transferee's authorized representative.
5. This Water Quality Certification is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any of the conditions contained in any other permit or approval issued by the State of California or any subdivision thereof may result in the revocation of this Certification and appropriate enforcement action.
6. The applicant must comply with the conditions and provisions of the Corps' Clean Water Act Section 404 permit.

**Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:**

- (a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section §13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.



- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection §3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

If the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, the Regional Board may require the applicant to submit a report of waste discharge and obtain Waste Discharge Requirements.

In the event of any violation or threatened violation of the conditions of this certification, the holder of any permit or license subject to this certification shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. Violations of the conditions of this certification may subject the applicant to civil liability pursuant to Water Code section 13350 and/or 13385.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 200-0017-DWQ is available at:

[www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo\\_2003-0017.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo_2003-0017.pdf)



Should there be any questions, please contact Marc Brown at (951) 321-4584, or Mark Adelson at (951) 782-3234.

Sincerely,



GERARD J. THIBEAULT  
Executive Officer

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – Shannon Pankratz  
State Water Resources Control Board, OCC – David Rice  
State Water Resources Control Board, DWQ – Water Quality Certification Unit  
California Department of Fish and Game – Anna Milloy  
U.S. EPA – Supervisor of the Wetlands Regulatory Office WTR- 8

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